

The three-month shortened statutory period for reply will be due July 10, 2002, therefore, this response is considered to be filed timely.

### **REMARKS**

Claims 1-14 are pending in the application. The Examiner rejected claims 1-14 in the above mentioned Office Action.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-3, and 5-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kilbane et al.(US 4,640,978 hereinafter, Kilbane) in view of Gajajiva (US 4,060,264 hereinafter, Gajajiva). Applicant respectfully disagrees. Independent claim 1 and, thus, also dependent claims 2, 3, and 5-14 include limitations neither disclosed nor suggested by Kilbane et al. or Gajajiva.

According to the independent claim 1, the present invention relates to an apparatus for sealing a conduit comprising:

- (a) a housing having an inner chamber and an outer surface;
- (b) at least one free running hub disposed on, and mounted to, said housing adapted for coupling to at least one end of the conduit; and
- (c) a flexible membrane disposed within the inner chamber of said housing adjacent to said at least one free running hub.

The Examiner states that Kilbane et al. discloses all the elements except element (b), the free running hub disposed, and mounted to, the housing. The Examiner further states that Gajajiva discloses such a hub. Applicant respectfully disagrees. Gajajiva actually discloses a

similar, however, much simpler assembly than Kilbane. According to the specification of Gajajiva, Fig. 1-5 show two conduits 10 and 36 which are coupled by a coupling member 12. Thus, element 10 of Gajajiva is not a housing as stated by the Examiner but rather a second conduit which is to be coupled with the first conduit 36. Therefore, the housing (a) as claimed in independent claim 1 would be element 12 of Gajajiva and, thus, Gajajiva does not add anything beyond the teaching of Kilbane. Someone skilled in the art recognizes that Kilbane improved the coupling taught by Gajajiva by adding chamber 24 and opening 22. However, both documents lack the element (b) of at least one free running hub. The Examiner is using impermissibly hindsight when interpreting the teaching of Gajajiva. Throughout the specification of Gajajiva, element 12 is described as a coupling means for coupling of two conduits and not as a hub as claimed in the present invention. Thus, a person skilled in the art would not combine Gajajiva and Kilbane because Gajajiva does not provide any additional teaching. The arrangement disclosed in the present application facilitates assembly and comprises improved sealing characteristics.

Claims 2, 3, and 5-14 are dependent on independent claim 1 and, thus, include all the limitations of claim 1. Therefore, these claims are patentable at least to the extent of independent claim 1. With respect to claim 5, neither Kilbane nor Gajajiva disclose or suggest to use two hubs in combination with a housing as claimed. Element 12 of Gajajiva is not a hub but rather a coupling device as explained above.

With respect to claim 6, Gajajiva does not disclose a hub but rather a coupling device. Furthermore, the coupling device has a cylindrical shape and not a conical. Neither the disclosure nor the figures show any conical shape of the coupling.

With respect to claim 8, neither Kilbane nor Gajajiva disclose the use of a hub. Furthermore, none of the embodiments shown in Kilbane and Gajajiva discloses a shoulder adjacent to a set of female threads. All threads disclosed in Kilbane and Gajajiva lack any type of shoulder.

With respect to claim 12, Kilbane does not disclose a flexible membrane. The Examiner states that Gajajiva discloses such a membrane. Applicant respectfully disagrees. Element 14 disclosed in Gajajiva is a seal ring, see column 3, line 47, column 4, line 8-9.

The Examiner further rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Kilbane et al in view of Gajajiva and in further view of Celauro et al (US 6,075,204 hereinafter Celauro). The Examiner states that Celauro discloses a spring loaded ball-type valve, and that it would have been obvious to combine Celauro with Kilbane and Gajajiva. Applicant respectfully disagrees. Celauro discloses an electronic enclosure for use in a food processing environment for receiving a managing a gas. Such a device is therefore set under pressure by means of the gas and the valve is used as a security measure which is common in pressurized devices. However, the present invention does not provide a comparable device. The present invention concerns an apparatus for sealing a conduit. Therefore, a person skilled in the art would not be motivated to combine the teaching of pressurized enclosures for use in a food processing environment with an apparatus for sealing a conduit. The Examiner fails to show why a person skilled in the art would even consider such a document.

SUMMARY


In light of the above remarks, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile. If there are any fees due with the filing of this Response, including any fees for an extension of time, Applicants respectfully Petition the Commissioner for such an extension and direct that any and all fees be charged to Baker Botts L.L.P., Deposit Account No. 02-0383, *(formerly Baker & Botts, L.L.P.,)* Order Number 002905.0110.

Respectfully submitted,

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By: \_\_\_\_\_

  
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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

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**Expires: April 19, 2003**

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